

Compliance Standards & Indicators

Document D Discipline

Legal Requirement	Indicator	Documentation
100000 SHORT TERM SUSPENSIONS 300.121 (d); 300.519; 300.520; SP (I) (VII)		
100100 Removal of ten (10) school days or less in a school year:	<p>A public agency is not required to provide services to a child with a disability who has been removed from his or her current placement for ten (10) school days or less in that school year if services are not provided to a child without disabilities who has been similarly removed.</p> <ul style="list-style-type: none"> Discipline records include documentation that student did not exceed 10 days of out of school suspension in a school year. <p>NOTE: No services required: no special procedures, not considered a change of placement.</p>	Agency records; student file
100200 (100210 –100240) <u>First removal</u> of a student over ten (10) school days cumulatively in year when no long-term suspension is involved:	<p>School personnel determine whether a pattern of suspension has been created. If yes, see long-term suspension.</p> <p>School personnel, in consultation with special education teacher determines what, if any, services are required on 11th school day and thereafter to enable child to appropriately progress in general curriculum and appropriately advance towards achieving goals set out in IEP. Documentation includes the following:</p> <ul style="list-style-type: none"> Date of decision Listing of participants Results Notification of an IEP meeting <p>NOTE: For an explanation of IEP team meeting, see Document B, Indicators 104400-108900.</p>	Agency records; student file

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100300 (100310 – 100330) IEP meeting held:	<p>On or before the end of the 10th business day of a discipline action, the IEP team met to:</p> <ul style="list-style-type: none"> • Develop functional behavior assessment (FBA) or review/revise an existing FBA • Develop behavior intervention plan (BIP) or review/revise an existing BIP <p>NOTE (1): For requirements regarding notification of an IEP meeting see Document B, Indicators 104400-104500.</p> <p>NOTE (2): The IEP team should consider the need for changes to the IEP goals, services and/or supports that may be necessary to address the child's behaviors.</p>	Student file
100400 (100410 – 100430) <u>Subsequent removal(s)</u> over ten (10) school days in year when no long-term suspension is involved:	<p>School personnel determine whether a pattern of suspension has been created. If yes, see long-term suspension.</p> <p>School personnel, in consultation with special education teacher determines what, if any, services are required during this suspension to enable child to appropriately progress in general curriculum and appropriately advance towards achieving goals set out in IEP. Documentation includes the following:</p> <ul style="list-style-type: none"> • Date of decision • Listing of participants • Results 	Meeting notes; student file
100500 IEP team members review BIP:	<ul style="list-style-type: none"> • Documentation is present that the IEP team reviewed the BIP. <p>NOTE (1): No meeting is required to conduct this review.</p> <p>NOTE (2): The IEP team should consider the need for changes to the IEP goals, services and/or supports that may be necessary to address the child's behaviors.</p>	Student file

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100600 (100610 – 100630) One or more IEP team member indicated belief that modifications to BIP are needed:	The IEP team meets to address revisions to the BIP as necessary to address the behavior. Documentation includes the following: <ul style="list-style-type: none"> • Date review completed • Results of review • Name and role of reviewers NOTE: For requirements regarding notification of an IEP meeting see Document B, Indicators 104400-104500.	Student file
100700 LONG TERM SUSPENSIONS/EXPULSIONS (DISCIPLINARY CHANGE OF PLACEMENT) 300.121 (d); 300.519; 300.520; 300.523; SP (I) (VII)		
100800 (100810 – 100840) Child suspended in excess of ten (10) consecutive school days: OR In excess of ten (10) school days cumulatively where pattern of suspension is created:	Immediately, if possible, but no later than ten (10) school days after the date of the decision to implement a disciplinary change of placement, the IEP team met to develop and/or review: <ul style="list-style-type: none"> • FBA • BIP • Conduct a manifestation determination (see next Indicator). NOTE (1): To determine whether a pattern is created, consider the length of the removal, the total amount of time child is removed, and the proximity of the removals to one another NOTE (2): For explanation of IEP team meeting, see Document B, Indicators 104400-108900.	Student file

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100900 (100910 –100920) Manifestation Determination Review:	<p>IEP team shall determine whether there is a relationship between the student's disability and the behavior subject to the disciplinary action.</p> <p>Documentation is present that the IEP team considered the following:</p> <ul style="list-style-type: none">• Evaluation and eligibility results, including such results or other relevant information supplied by the parents of the child.• Observations of the child.• Child's IEP and placement. <p>Documentation is present that the IEP team determined all of the following:</p> <ul style="list-style-type: none">• Child's IEP was appropriate.• Child's placement was appropriate.• Special education and supplementary aids and services were provided consistent with the child's IEP/Placement.• Behavior intervention strategies were provided consistent with the child's IEP/Placement.• The child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action.• The child's disability did not impair the ability of the child to control the behavior subject to the disciplinary action.	Student file

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101000 (101010 – 101020) Conduct is found unrelated to disability:	Documentation is present that: <ul style="list-style-type: none"> • IEP team finds conduct unrelated to disability • IEP team determines amount and type of services that will enable the child to receive FAPE and appropriately progress in the general curriculum, and determines placement (or where those services are to be provided). • Parent provided Prior Written Notice for change of placement <p>NOTE (1): Services can be provided through alternative schools, in-school suspension, homebound services, contractual arrangement with other agencies or private agencies, mutually agreed sites off school grounds or other settings <u>as determined by the IEP Team</u>.</p> <p>NOTE (2): If the parent disagrees with the team’s decision and requests due process, “stay-put” will be the child’s current IEP and placement prior to the disciplinary action. Any further action will not be possible until after the due process hearing is completed.</p> <p>Stay-put will be different with a 45-day removal for weapons/drugs. With this action, the stay-put provision will be in the 45-day alternative educational setting – not the child’s current IEP placement.</p>	Student file
101100 Conduct is found related to disability:	Documentation is present that: <ul style="list-style-type: none"> • IEP team finds conduct related to the disability. • Long-term suspension/expulsion is not implemented. 	Student file
101200 FORTY-FIVE (45) CALENDAR DAY INTERIM ALTERNATIVE EDUCATIONAL PLACEMENT 300.121 (d); 300.520; 300.521; SP (I) (VII)		
101300 (101310 – 101350) Forty-five (45) day removal – weapons/drugs:	School personnel may order a forty-five (45) calendar day placement when: <ul style="list-style-type: none"> o Child possesses a weapon at school or school function. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> o Child knowingly possesses, and/or uses illegal drugs, or sells controlled substances while at school or at a school function <p>Documentation is present that:</p> <ul style="list-style-type: none"> • A copy of the procedural safeguards is given to parents upon 	

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	notification of forty-five (45) calendar day placement	
	<ul style="list-style-type: none">• Within 10 business days, the IEP team develops FBA plan, if none exists and conducts FBA.• Within 10 business days the IEP team reviews/develops BIP.• Manifestation Determination by IEP team within ten (10) school days and a review of the relationship between the child's disability and the behavior subject to disciplinary action is conducted. (See notes below)• IEP team determines the interim alternative educational setting that will:<ul style="list-style-type: none">▪ Enable child to continue to progress in the general curriculum.▪ Receive services and modifications of current IEP.▪ Enable child to meet goals of IEP.▪ Include services and modifications to address the behavior involved in the disciplinary action.	
	NOTE (1): Decision by the IEP team that conduct is related to the disability will not affect decision of whether student receives a forty-five (45)-calendar day placement.	
	NOTE (2): If the IEP team determines the conduct is unrelated to the disability, then the agency may impose disciplinary procedures consistent with those applied to children without disabilities.	

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<p>101400 (101410 – 101440) Forty-five (45) day removal – violent/dangerous student:</p> <p>(NA except when ordered by a hearing officer through expedited due process hearing)</p>	<p>If a child is likely to injure herself/himself or others, the agency can request an expedited due process hearing to seek a forty-five (45)-calendar day interim alternative educational placement. That will:</p> <ul style="list-style-type: none"> ○ Enable child to continue to progress in the general curriculum; ○ Receive services and modifications of current IEP; ○ Enable child to meet goals of IEP; and ○ Include services and modifications to address the behavior involved in the disciplinary action. 	<p>Documentation is present that the agency:</p> <ul style="list-style-type: none"> • Notified the parent of the decision to seek this order on the day the decision is made. • Provided the parent with a copy of the <i>Procedural Safeguards</i>. • Filed a request for expedited hearing with DESE. • Held an IEP meeting to make manifestation determination within ten (10) school days. A review of the relationship between the child's disability and the behavior subject to disciplinary action is conducted. (For additional information regarding manifestation determination, see Indicator 100900, Document D.) <p>NOTE (1): Through an additional due process hearing, a hearing officer may extend placement for an additional 45-day increment(s) if the student continues to present a danger to himself or others.</p> <p>NOTE (2): Another option for removal of a violent, dangerous student would be to file for an injunction with court of competent jurisdiction.</p>